



STATE OF WISCONSIN  
Department of Employee Trust Funds  
Eric O. Stanchfield  
SECRETARY

801 W Badger Road  
PO Box 7931  
Madison WI 53707-7931  
  
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<http://etf.wi.gov>

***CORRESPONDENCE MEMORANDUM***

**DATE:** September 7, 2006  
**TO:** Employee Trust Funds Board  
**FROM:** Sari King, Administrator  
Division of Retirement Services  
**SUBJECT:** Communications from State and County Highway Department Employees'  
Association

Attached are copies of correspondence to and from a member of the State and County Highway Department Employees' Association (SCHDEA). The SCHDEA is seeking to have state and county highway workers classified as protective occupation participants under the Wisconsin Retirement System.

Attachments

Board	Mtg Date	Item #
ETF	09/22/06	7



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August 1, 2006

JAY SANDS  
3491 N STATE ROAD 27  
OJIBWA WI 54862

Dear Mr. Sands:

The Department of Employee Trust Funds (ETF) received your correspondence to Gary Sherman about your desire to have highway department workers included as a protective occupation participants under this Wisconsin Retirement System (WRS). I will forward that correspondence to Mr. Sherman at his Capitol office.

In the meantime, I want to provide you with some background information on the protective occupation category. As you know, employees classified as "protective occupation participants" are entitled to somewhat different benefits under the WRS and their employers pay higher contributions than they do for general employees. Because of this different treatment, the law is fairly specific about who qualifies as a "protective occupation participant."

Current state law defines a "protective occupation participant." The law says that a "protective occupation participant" is any participant in the WRS whose principal duties involve active law enforcement or active fire suppression or prevention if the duties require frequent exposure to a high degree of danger or peril and require a high degree of physical conditioning. The employer must make the determination, based on the employee's duties, as to whether the employee may be properly considered a "protective occupation participant." This definition is found in §40.02 (48) (a) of the Wisconsin Statutes.

In addition, state law provides a list of occupations that automatically qualify as protective occupations if the employer submits the employee's name to ETF. The list, which is found in §40.02 (48) (am) of the Wisconsin Statutes, is as follows:

1. A conservation warden.
2. A conservation patrol boat captain.
3. A conservation patrol boat engineer.
4. A conservation pilot.
5. A conservation patrol officer.
6. A forest fire control assistant.
7. A member of the state patrol.
8. A state motor vehicle inspector.
9. A police officer.
10. A fire fighter.
11. A sheriff.
12. An undersheriff.
13. A deputy sheriff.
14. A state probation officer.
15. A county traffic police officer.
16. A state forest ranger.
17. A fire watcher employed at Wisconsin veterans facilities.
18. A state correctional-psychiatric officer.

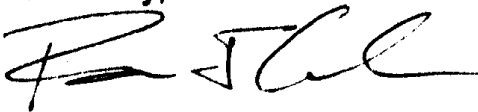
- 19. An excise tax investigator in the Department of Revenue.
- 20. A special criminal investigation agent in the Department of Justice.

- 21. An assistant or deputy fire marshal.
- 22. A person employed by a combined police and fire protection service.

Because highway department workers, in general, may not meet the definition of "protective occupation participant" under current state law and because highway workers, as a class, are not identified in the above list, a change to the law appears to be necessary to carry out your intent of including those workers as "protective occupation participants."

As noted earlier, your correspondence will be forwarded, along with a copy of this letter, to Mr. Sherman at his Capitol office. If you need additional information, please contact me at (608) 261-7940.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Conlin", with a stylized flourish at the end.

Bob Conlin  
Director  
Legislation and Communications

cc: Gary Sherman

REC  
EMPLOYEE

2006 JUL 1

We, the Shop Superintendents and Shop Foremen from the Northwest Section of Wisconsin as a group propose to include Highway Department workers under endangered or protective service, due to risks encountered in the daily performance of our duties, on state and county roadways.

Law Enforcement and firefighters are under protective service clause because of the inherent dangers of their duties.

State and County Highway employees suffer from dangers in traffic, angry drivers, and high speed traffic. In essence it is just as easy to be killed by a car as to be killed by a gun, or a fire, and the same dangers apply. As many or more Highway Department workers are killed on roads in Wisconsin than police or firefighters in the line of duty.

What we would like is the State of Wisconsin to change the retirement age of 55 to 52 years of age.

Jay Sands  
Shop Foreman  
Sawyer County

Tim McMillen  
Shop Foreman  
EAU Claire Co

Jerry Pich  
Shop Supt.  
Brown County Hwy

Steve Mullenbach

Paul Ankenbauer  
Shop Foreman  
Bayfield County

Fleet Supervisor  
Polk County Highway Dept

David Bergstrom  
Shop Supt.  
Dunn County Hwy Dept.

Steve Waskuhn  
Shop Foreman  
Burnett Co Hwy Dept

Wayne Beyl  
SHOP FOREMAN  
IRON COUNTY HWY DEPT.

Ray Osh  
SHOP SUPERINTENDENT  
PIERCE COUNTY HWY DEPT.

Paul Mink  
Shop Supt.  
Chippewa Co Hwy Dept.

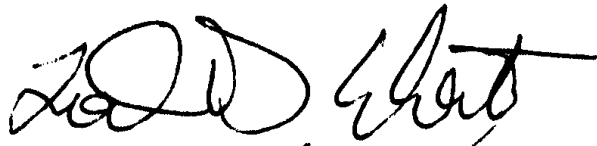
Paul Mink  
Shop Supt.  
Chippewa Co Hwy Dept.

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David L. Hanson

TAYLOR COUNTY HIGHWAY  
ST. CROIX CO.



Jay Sands  
3491 N. State Road 27  
Ogishwa, WI 54862

ST PAUL MN 551

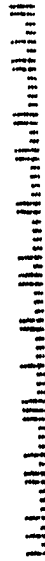
15 JUL 2005 PM 3 17



*Open in Envelope*  
*JP*

Employee Trust Funds Board  
C/O Gary Sherman  
Dept. of Employee Trust Funds  
P.O. Box 7937  
Madison, WI 53707-7931

53707+7931 B052





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August 11, 2006

JAY SANDS  
SCHDEA  
11194 W COUNTY RD C  
EXELAND WI 54835

Dear Mr. Sands:

Thank you for your July 21, 2006, letter on behalf of the State and County Highway Department Employees' Association (SCHDEA). Your letter asks the Employee Trust Funds Board (Board) to consider classifying state and county highway workers as protective occupation participants under the Wisconsin Retirement System (WRS). As the Department's Director of Legislation, communications, and Planning, I have been asked to respond to your letter.

In my August 1, 2006, letter to you, I provided some background information about the WRS and its provisions having to do with protective occupation participants. As I noted in that letter, it appears that the law would need to be changed in order to include highway workers under the protective occupation category. Although the Board is not able to change the law, the Department will share your letter with Board members so that they are aware of SCHDEA's concerns.

If you have questions about this matter, or need additional information, please contact me at (608) 261-7940.

Sincerely,

Bob Conlin, Director  
Legislation, Communications, and Planning

cc: Employee Trust Fund Board Members

July 21, 2006

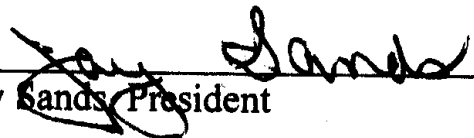
Employee Trust Funds Board:

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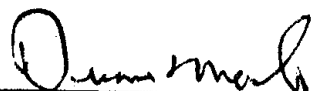
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Jay Sands, President

  
Brad Beise, Treasurer

  
Brett Danielson, Vice President

  
Duane Mansky, Secretary